REMARKS

The Office Action mailed on September 2, 2010 has been reviewed. Claims 1-13 are pending in this application.

Rejections Under 35 U.S.C. § 103

Claims 1-8, 12 and 13

Claims 1-8, 12 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Gordon (U.S. Patent No. 5,067,173) in view of Smith (U.S. Patent No. 6,141,763).

Applicant respectfully traverses this rejection.

The entirety of the rejection of claims 1, 4, 5, 12, and 13 (including all of the independent claims 1, 12, and 13) is as follows:

> With respect to claim 1, 4, 5, 12 and 13 note the Abstract, Col. 3, lines 9 - 60 and Col. 4, lines 10 - 50. Gordon does not explicitly teach providing a power signal to power some components. However, note that Smith discloses such (see at least the Abstract of Smith). It would have been obvious to one of ordinary skill in the art to have incorporated such a power signal as taught by Smith into the Gordon system as such would only entail the substitution of one known power means for another.
>
> With respect to WLAN, note that Smith teaches such at Col. 1, lines 29 - 53 and Col. 2, lines 9 - 21. Note also, Figs. 1 - 2.

Applicant respectfully notes that, aside from the claim language "providing a power signal to power at least some components of the access point", nowhere in this rejection does the Office Action ever explain where the **actual elements** and **actual claim language** of the claims are taught or suggested in the prior art. Instead, this rejection is entirely conclusory, which is clearly improper. *See, e.g.,* MPEP 2142 ("The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35

U.S.C. 103 should be made explicit. **The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements;** instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn,* 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). *See also* KSR, 550 U.S. at ___ , 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).").

Therefore, Applicant respectfully submits that the Office Action has failed to set forth a *prima facie* showing of obviousness under Section 103(a).

On page 3 of the Office Action, under the heading "Response to Arguments", the Office Action stated the following: "Applicant's arguments with respect to claims 1 - 13 have been considered. Note the inclusion of the WLAN from the Smith reference as cited above."

Applicant respectfully submits that this response still fails to explain how the **actual claim language** recited in the claims of present application is taught or suggested by the cited references.

For example, Gordon is completely silent as to "an access point remote converter, for receiving the local area network compatible signals from the wireless local area network access point and converting such signals to transport modulated format signals suitable for transmission over the transport network". Indeed, Gordon is completely silent as to local area networks and wireless local area networks, since Gordon relates to **cellular technology**.

Smith also does not teach an "access point remote converter" as recited in amended claim 1 of the present application. Although Smith teaches a wireless local area network (WLAN) access point, that wireless local area network (WLAN) access point is still not "an access point remote converter, for receiving the local area network compatible signals from the wireless local area network access point and converting such signals to transport modulated format signals suitable for transmission over the transport network" since the WLAN access point of Smith

receives **wireless local area network signals** over the air not "local area network compatible signals from the wireless local area network access point".

Thus, neither Gordon nor Smith teach or suggest an "an access point remote converter, for receiving the local area network compatible signals from the wireless local area network access point and converting such signals to transport modulated format signals suitable for transmission over the transport network" as recited in claim 1 of the present application.

Furthermore, Applicant respectfully notes that the Office Action failed to explain why it would have been obvious to incorporate the wireless local area network (WLAN) access point of Smith into the **cellular telephony network** of Gordon. Applicant respectfully submits that it would not have been obvious to do so.

Claims 2-6 and 8 all depend from claim 1. Therefore, at least the arguments set forth above apply to these dependent claims as well. Since Applicant believes these dependent claims are allowable for the reasons given above with respect to claim 1, specific arguments with respect to these dependent claims have not been provided in this response. Applicant, however, reserves the right to submit further arguments directed to these claims if a further response is required.

The Office Action rejected **independent claims 12 and 13** for the same reasons as claim 1. Therefore, at least the arguments set forth above with respect to claim 1 apply to the rejection of claims 12 and 13. Applicant, however, does not concede any assertion made in the Office Action with respect to these independent claims and reserves the right to provide additional arguments directed to these independent claims if a further response is required.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claims 9-11

Claims 9-11 were rejected under 35 USC § 103(a) as being unpatentable over Gordon (U.S. Patent No. 5,067,173) in view of Smith (U.S. Patent No. 6,141,763) further in view of Newson (U.S. Patent No. 5,953,670).

Applicant respectfully traverses this rejection.

Claims 9-11 all depend from claim 1. Therefore, at least the arguments set forth above apply to these dependent claims as well. Since Applicant believes these dependent claims are allowable for the reasons given above with respect to claim 1, specific arguments with respect to these dependent claims have not been provided in this response. Applicant, however, reserves the right to submit further arguments directed to these claims if a further response is required.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

Applicant respectfully submits that claims **1-13** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

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